

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SHAQUEENA RODRIGUEZ

Plaintiff,

- against-

EXPRESS WORLD WIDE, LLC, and  
NIGEL C. MENDOZA, Individually,

Defendants.  
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**ORDER**

12 CV 4572 (RJD) (RML)

DEARIE, District Judge.

In his January 16, 2014 Report and Recommendation (ECF No. 18), Magistrate Judge Robert M. Levy recommends that the Court grant the motion of plaintiff Shaqueena Rodriguez for entry of default judgment in her favor against defendants Express World Wide, LLC and Nigel C. Mendoza, for violations of 42 U.S.C. § 2000e-2 and N.Y.C. Admin. Code § 8-107. The Report and Recommendation recommends that damages be awarded: (1) for back pay in the amount of \$290.00 each week from March 2, 2012 (plaintiff's last date of employment) through the date of entry of judgment (109 weeks), plus pre-judgment interest calculated for that period in accordance with 28 U.S.C. § 1961; and (2) for emotional distress in the amount of \$10,000.00. The Report and Recommendation further recommends that we deny plaintiff's requests for an award of front pay and an award of separate damages on her claim of civil battery. The Report and Recommendation further recommends that we deny plaintiff's request for an award of attorney's fees and costs without prejudice, and grant plaintiff leave to submit an appropriate supplemental sworn statement and billing records. The Report and Recommendation was served upon defendants on March 12, 2014 by mailing a copy of the same to defendants at their last known addresses, after plaintiff first attempted to personally serve defendants at their place of

business on March 5, 2014. (Letter, March 12, 2014, ECF No. 19); (Aff. Service, ECF No. 19-3); (Affs. Non-Service, ECF No. 19-1 and 19-2); See Fed. R. Civ. P. 5. No objections have been filed, and defendants' time to do so has expired.

Having considered the papers submitted in support of plaintiff's motion and the comprehensive analysis of Magistrate Judge Levy, the Court adopts the Report and Recommendation without qualification. Accordingly, the Court grants plaintiff's motion for entry of default judgment against defendants and awards plaintiff total damages of: (1) \$31,610.00, plus pre-judgment interest running from March 2, 2012 through the date of entry of judgment, to be computed by the Clerk of Court pursuant to 28 U.S.C. § 1961; plus (2) \$10,000.00. Plaintiff is granted leave to renew their request for attorney's fees and costs, supported by an appropriate sworn statement and billing records.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Dated: Brooklyn, New York  
March 31, 2014

/s/ Judge Raymond J. Dearie

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RAYMOND J. DEARIE  
United States District Judge